

**TESTIMONY OF**  
**THE CONNECTICUT COALITION OF PROPERTY OWNERS**  
**BEFORE**  
**THE LEGISLATURE'S PLANNING & DEVELOPMENT COMMITTEE**  
**MONDAY, FEBRUARY 23, 2009**

Good morning, my name is Marshall R. Collins. I am the Counsel for Government Relations for the Connecticut Coalition of Property Owners ("CCOPO"). I am here today to testify regarding the storage of evicted tenants' possessions mandate addressed by the following proposed bills:

**SB 373 AAC Storage of Personal Items Of Evicted Tenants;**  
**SB 394 Municipal Mandate Relief;**  
**HB 5538 AA Eliminating The Property Storage Mandate On towns**  
**Regarding The Disposition And Storage Of Possessions And Personal**  
**Effects Of Evicted Tenants.**

The Connecticut Coalition of Property Owners ("CCOPO") is most likely the largest property owner / landlord organization in Connecticut and has members throughout Connecticut. Its several chapters include the:

- Bridgeport Property Owners' Association,
- Greater Hartford Property Owners' Association,
- Stamford Property Owners' Association, and the
- Connecticut Association of Real Estate Investors.

Collectively, CCOPO represents approximately 20,000 rental units in Connecticut.

CCOPO strongly agrees with the CT Conference of Municipalities ("CCM" and the CT Council Of Small Towns ("CCOST"), and taxpayers throughout Connecticut that it is time to eliminate this unfunded mandate.

It is unfair that innocent landlords must move a tenant's personal property, which has been left behind after the tenant has been evicted. It is unfair that the municipalities then must pay to move, store, advertise and auction that same property. Public safety can be better served by eliminating this obsolete provision of another era.

At the same time, it would be even more unfair to shift the responsibility for removal, storage, advertising and auctioning of an evicted tenant's personal property from municipalities to innocent landlords.

Consider what occurs during the eviction process and that 95% of all evictions in Connecticut result from nonpayment of rent.

Property owners frequently have not been paid rent for months before Summary Process is even begun. When the Courts ultimately rule for the property owner / landlord and order eviction of the tenant, the landlord's expenses are only beginning. Please note that an eviction occurs only after a lengthy process during which tenants are extended full due process rights.

Upon judgment in favor of the landlord by the Housing Court, a writ of execution is issued. The landlord must then pay a State Marshal to serve the writ and remove the tenant from the property. Then the landlord then must pay a mover to box and remove any possessions that the former tenant has left behind. The landlord must move the evicted tenant's personal property to a municipal truck.

The city or town then takes the personal property to a storage facility and store it for 15 days. Then the municipality must pay to publish legal notice and attempt to auction the personal property. Anything which is unsold at auction, which is overwhelmingly the result, is disposed of at the town's transfer station.

But, the landlord's costs are not finished yet. After the tenant's possessions are removed, the landlord must clean and repair the unit. Frequently, evicted tenants damage the property and cleaning and repairs are costly.

The attached exhibit entitled "The Unfair Costs Of Eviction," demonstrates how the landlord's costs dwarf those of the municipalities.

A tenant that has been evicted by court order should bear the cost of removing and storing their personal property. Taxpayers and landlords should not have to pay those costs. If removal and storage of an evicted tenant's personal property is a social service that is to be continued, tenants should pay for it.

CCOPO suggests an alternative:

- Require all leases to contain mandatory plain language notice to tenants that they are responsible for the removal of their possessions and personal effects if the Court enters judgment against them. The notice also would be prominently included in the Notice to Quit, the Writ Summons and Complaint, the Notice of Judgment and the Order of Execution and all Court motions and notices.

- Require that a copy of the Writ of Execution also be served upon the Chief Executive of the Municipality or the director of the municipal social services agency so that intervention may be initiated where appropriate.
- Allow the tenant to remain, rent free, in the dwelling unit for 5 days after the issuance judgment in order to be able to remove their property.
- After the tenant has vacated the property or been removed by the State Marshal, allow the landlord the option of disposing of any personal property that has been left behind without further liability.
- Require the landlord to notify the municipality, to prevent blight, if such property is to be placed at the curb, in order that the municipality may send a truck to dispose of it.

CCOPO's proposal achieves the following, it:

1. Gives tenants unprecedented plain language notice of their responsibility in the event of an eviction.
2. Saves Connecticut cities and towns (taxpayers) an estimated \$3 million annually.
3. Gives evicted tenants even more time to move their property.
4. Allows tenants to remain in control of their possessions after they have been evicted, rather than to be separated from them and to have to pay to get them out of a municipal storage facility.
5. Saves landlords the time and expense of moving the personal property out of the unit.
6. Makes it easier for municipal social service agencies to intervene to prevent hardship.
7. Prevents blight by notifying the municipality of bulky waste that cannot be placed in a dumpster.

The additional lost days of rent are not an inconsequential cost to landlords; however, the proposal preserves the public safety, represents a savings to tenants, and eliminates the cost to taxpayers. Landlords should not be required to go beyond this and to have to assume even more costs.

CCOPO stands ready to work with all parties to resolve this issue. However, we strongly believe that the responsibility for an evicted tenant's personal property belongs with the tenant and not with taxpayers or landlords. Please approve substitute language to this effect. It is an idea whose time has come.

This completes my testimony. Thank you for your consideration.

## THE UNFAIR COSTS OF EVICTION

95 % of all evictions are for nonpayment of rent. The following sets forth typical costs incurred by property owners, municipalities and tenants per eviction.

<u>Property Owner</u>		<u>Municipality</u>	<u>Tenant</u>
Service of Notice to Quit	\$ 40	Cost of truck & crew (2 hrs)	est. \$100
Service of Summons & Complaint (ave.)	\$ 50	Storage (15 days @ ave. \$15/day)	\$150
Attorneys Fee	\$ 500	Legal Notice of Auction	est. \$ 50
Service of Execution & Notify Town (ave)	\$ 65	Cost of Auction & Disposal	est. \$ 75
Move out charges from movers			
Per 2 BR Apt. incl. boxes & tape (ave)	\$ 650		
State Marshal fee (ave. hours)	\$ 150		
Average cleaning & repair costs			
after eviction	\$1,500		
Average Loss of 3 months rent	\$2,400		
<u>Total Property Owners Cost</u>	<u>\$5,355</u>	<u>Total Municipal Cost</u>	<u>\$375</u>
			<u>Total Evicted Tenant \$ 0</u>

The Connecticut Coalition of Property Owners recommends that the following plain language notice be placed in all residential leases, as well in the following documents involved in Summary Process: **TENANTS ARE RESPONSIBLE FOR THE REMOVAL OF THEIR POSSESSIONS AFTER EVICTION. PERSONAL PROPERTY REMAINING FIVE DAYS AFTER A JUDGMENT AND EVICTION MAY BE DISPOSED OF WITHOUT LIABILITY BY THE OWNER OF THE DWELLING UNIT.**

Notice to Quit  
 Summons  
 Complaint  
 Defendant Appearance  
 Defendant Answer To Complaint  
 Reply To Special Defenses  
 Motion For Failure To Reply  
 Stipulation  
 Notices From the Court (hearings)  
 Writ of Execution  
 Court Decisions.